IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Ganpat Singh & ors. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No.988/2006 against the order dated 24-7-2006 passed by the Sessions Judge, Balotra, in Sessions Case No. 34/2004.

...

Date of Order: August 17, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Dhirendra Singh, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

The only argument raised by the counsel for the petitioners is that while impleading the petitioners as accused to be tried along with other accused already facing trial by invoking the provision of Section 319 Cr.P.C., the learned Sessions Judge, Balotra directed to secure the presence of the petitioners by non-bailable warrants and, therefore, learned counsel submits that the non-bailable warrants may be converted into bailable warrants. Learned counsel further submits that initially, after investigation, the police filed Challan against four persons and those four persons have already been enlarged on bail.

Having regard to the facts and circumstances of the

case and the fact that the four persons who were challaned by the police, have already been released on bail, in my view, it would be appropriate to direct the petitioners to surrender before the trial Court on 29-8-2006 and move a regular bail application after furnishing a copy to the Public Prosecutor of that Court in the early hours of the Court and the learned Sessions Judge shall decide the bail application on the same day keeping in view the fact that the four persons who were challaned by the police, have already been released on bail.

With these observations, the criminal miscellaneous petition stands disposed of. Till 28-8-2006, the non-bailable warrants issued against the petitioners shall not be executed. However, if the petitioners do not appear, it will be open for the trial Court to secure their presence by the non-bailable warrants.

(H.R. PANWAR), J.

mcs